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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------------|
| 10/673,846 | 09/29/2003 | Mark Bernard Hettish | 2003P08062US | 3718 |
| 7590 05/10/2007 Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830 | | | EXAMINER PADMANABHAN, KAVITA | |
| | | | ART UNIT 2161 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/673,846 | Applicant(s) HETTISH, MARK BERNARD | |
| | Examiner Kavita Padmanabhan | Art Unit 2161 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1, 15, and 16 have been amended.
2. Claims 1-7 and 15-17 are pending.
3. Claims 1-7 and 15-17 are rejected.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/26/07 has been entered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-7 and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by **Diacakis et al.** (US 2002/0116336, hereinafter "Diacakis").

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

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- determining a device context for a specific device associated with an identity (**Diacakis; par [0038]; par [0040]; par [0043] – par [0044]; par [0056]; Fig. 8**), wherein said device context provides an availability status of said specific device (**Diacakis; par [0026]; par [0045]; par [0053]**);
- determining an identity context for said identity, wherein said identity context provides an availability status of said identity (**Diacakis; par [0056]; par [0059]; Fig. 8**);
- determining an availability rule associated with said identity (**Diacakis; par [0031]**);
- determining a true availability of said identity based, at least in part, on said device context for said specific device, said identity context, and said availability rule (**Diacakis; par [0034] – par [0035]; par [0038]; par [0040]; par [0043] – par [0044]; par [0056]; [0059]; Fig. 8**); and
- providing data indicative of said true availability of said identity (**Diacakis; par [0035]; Fig. 8**).

In regards to **claim 2**, **Diacakis** teaches the method of claim 1, further comprising receiving a request for information regarding true availability of said identity (**Diacakis; par [0029] – par [0030]**).

In regards to **claim 3**, **Diacakis** teaches the method of claim 1, wherein said determining said true availability of said identity includes determining availability of said identity via at least two different media channels (**Diacakis; par [0031], lines 21-25; par [0035]; par [0038]; par [0040]; par [0043] – par [0044]**).

In regards to **claim 4**, **Diacakis** teaches the method of claim 1, further comprising establishing said availability rule (**Diacakis; par [0031]**).

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said providing data indicative of said true availability of said identity includes displaying an interface indicative of said availability (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 6**, **Diacakis** teaches the method of claim 5, wherein said interface identifies said identity (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising determining said identity (**Diacakis; par [0038]; par [0056]; Fig. 8**).

Claims 15 and 16 are each rejected with the same rationale given for claim 1.

In regards to **claim 17**, **Diacakis** teaches the method of claim 1, wherein said identity is associated with a plurality of devices (**Diacakis; par [0026]; par [0044] – par [0045]; Fig. 8**).

Response to Arguments

7. Applicant's arguments filed 2/26/07 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach the claimed determining a device context for a specific device associated with an identity, wherein the device context provides an availability status of the specific device or the claimed true availability based on, at least in part, the claimed device context of the specific device, identity context, and availability rule. Specifically, applicant argues that the claimed context provides an indication of a status of a specific device.

The examiner respectfully disagrees. The examiner asserts that Diacakis does indeed teach the claimed limitations. Par [0043] of Diacakis states, in part, “to determine is the individual is present on a landline telephone, for example, the landline desk phone 44 in his office,” and “to determine if the individual is present on his mobile phone 46.” Par [0044] states, in part, “to determine whether an individual is present on other devices such as, for example, a personal digital assistant (PDA) 50 or a pager 52.” A landline telephone is clearly a specific device for which an availability status is determined, as is a PDA.

Applicant argues that Diacakis does not teach the claimed determining a device context for a specific device associated with an identity, wherein the device context provides an availability status of the specific device and providing data indicative of the mapped identity context. Specifically, applicant argues that the claimed device context relates to a specific device and provides an indication of an availability status of the specific device.

The examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing an indication of an availability status of the specific device) are not recited in the rejected claim(s). Rather, the claim only requires providing data indicative of the true availability of the identity and that the true availability be based at least in part on the

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device context. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, the examiner reiterates that Diacakis teaches a device context that provides an availability status of a specific device, as explained above.

Applicant argues that, in contrast to the claims, Diacakis teaches determining a presence of an individual on a communication network and an availability of the individual on the communication network, but does not teach providing an availability status of any specific device associated with an individual. Applicant argues that Diacakis does not determine the availability of specific, distinct devices.

The examiner respectfully disagrees. The examiner asserts that Diacakis does indeed teach determining the availability of specific devices. Clearly, whether a wireless telephone is switched on or off, for example, is an indication of the availability status of a device (Diacakis; par [0026]). Par [0045] states in part, “based on information regarding each of these devices 44-53 the presence detection engine 18 may determine the individual’s current capabilities 58.” Using device information to determine an individual’s capabilities constitutes determining the availability of specific devices and their associated capabilities. Also, as stated above, par [0043] of Diacakis states, in part, “to determine if the individual is present on a landline telephone, for example, the landline desk phone 44 in his office,” and “to determine if the individual is present on his mobile phone 46.” Par [0044] states, in part, “to determine whether an individual is present on other devices such as, for example, a personal digital assistant (PDA) 50 or a pager 52.” A landline telephone is clearly a specific device for which an availability status is determined, as is a PDA.

Applicant argues again at page 7 of applicant's remarks that Diacakis does not teach the availability of a "specific device" and uses Figure 8 of Diacakis as an example. However, the examiner asserts that Figure 8 of Diacakis goes beyond what is argued by the applicant and shows not only that Jonathan is available via telephone, but also the specific telephone devices and their corresponding availabilities, i.e. device contexts. For example, his work phone is available.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kavita Padmanabhan

May 7, 2007

Assistant Examiner

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KP.


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